IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE T.R.RAMACHANDRAN NAIR

FRIDAY, THE 5TH OCTOBER 2007 / 13TH ASWINA 1929

OP.No. 18097 of 2000(D)

PETITIONERS:

---

1) **JAMAL, S/O.KOYA, AGED 42 YEARS,**
MALIYEL HOUSE, VADAKKEMURI,
VAIKOM.

2) **SIVARAJAN, S/O.BHASKARAN, AGED 45 YEARS,**
KAITHAKKATTU, T.V.PURAM, VAIKOM.

BY ADV. SRI.C.M.NAZAR

RESPONDENTS:

---

1) **VAIKOM MUNICIPALITY, REP: BY ITS SECRETARY,**
MUNICIAPL OFFICE, VAIKOM.

2) **STATE OF KERALA, REP: BY ITS SECRETARY TO**
GOVERNMENT, DEPARTMENT OF LOCAL
ADMINISTRATION, SECRETARIAT,
THIRUVANANTHAPURAM.

3) **BABY K.T., KOCHUTHARA, VAIKAPRAYAR,**
VAIKOM, KOTTAYAM.

4) **JIJI P.K., PULLUNATHIL, KATTATHARA,**
CHEMMANATHUKARA P.O.,
VAIKOM, KOTTAYAM.

5) **GIRIJA K., MUTTATHEZHATHU, PADINJARENADA,**
VAIKOM P.O., KOTTAYAM.

6) **GOPALAKRISHNAN C.N., CHALAPARAMBIL,**
VAIKOM P.O., KOTTAYAM.

(.....2)

7) VIJAYAKUMAR S., OTTAKKANDATHIL,
NEREKADAVU, UDAYANAPURAM P.O.,
VAIKOM, KOTTAYMA.

8) PRAKASHAN T.S., THARAYIL VEEDU,
EDAVATTOM P.O., MARAVANTHURUTHU,
KOTTAYAM.

9) RADHAMANI P.V., VRINDAVAN, ADIYAM,
THALAYOLAPARAMBU P.O., KOTTAYAM.

10) RAJESWARI T., PULIKKODATHU HOUSE,
KIZHAKKENADA, VAIKOM P.O., KOTTAYAM.

R1 BY ADV. SRI.T.A.SHAJI
R2 BY GOVT. PLEADER SRI.P.N.SANTHOSH
R3 TO R10 BY ADV.SRI.M.A.ASIF

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 05/10/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ORDER ON CMP.NO.29897 OF 2000 IN OP.NO.18097 OF 2000-D.

DISMISSED.

05.10.2007. **Sd/- T.R.Ramachandran Nair, Judge.**

Petitioners Exhibits:-

P1: **Copy of the order No.VM1-2686/92 dtd.21.6.1997 issued by the 1st respondent.**

P2: **Copy of the select list dtd.9.9.1998 No.VM1-2686/92 issued by the 1st respondent.**

P3: **Copy of the representation dtd.15.7.1999 submitted by the petitioners along with respondents 4 to 10 to the 1st respondent.**

P4: **Copy of the representation dtd.26.6.2000 submitted by the petitioners before the 1st respondent.**

Respondents' Exhibits:

R1(a): **Copy of the Govt. Order MS.No.14/82/LBR dated 22.4.1982.**

R1(b): **Copy of the G.O.(Ms)No.155/80/LA&SWD dated 2.7.1980.**

R3(a): **Copy of the G.O.(Ms)No.14/82/LBR dated 22.4.1982.**

(true copy)

P.A. TO JUDGE.

Kvs/-

T.R.RAMACHANDRAN NAIR, J.

= = = = = = = = = = = = = = = = =

O.P.No. 18097 of 2000-D.

= = = = = = = = = = = = = = = = =

Dated this the 5th day of October, 2007.

J U D G M E N T

The petitioners have approached this Court challenging the regularisation in service of respondents 3 to 10 as Sweepers. The petitioners were sponsored by the Employment Exchange along with respondents 3 to 10 as per the select list dated 9.9.1998 for the post of Part-time Contingency Workers. It is the case of the petitioners that they commenced service on 2.11.1998. The complaint raised is that they have been overlooked in the matter of seniority when respondents 3 to 10 were regularised.

2. The respondents have filed counter-affidavits. In para.12 of the counter-affidavit filed by the 1st respondent is averred that the petitioners also will get regularisation as per their turn as they are below in rank to the respondents 3 to 10. It is also averred that they are continuing in service.

3. Since the petitioners are only lower in rank to respondents 3 to 10, there is no illegality in the regularisation of respondents 3 to 10 in accordance with their turn. Therefore, as the petitioners are assured of regularisation in accordance with their turn no further orders are called for in this writ petition and the same is closed recording the submission made in para.12 of counter-affidavit filed by 1st respondent. No cost.

T.R.RAMACHANDRAN NAIR, JUDGE.

Kvs/-